

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2012 DEC -4 AM 10:12

BY
DEPUTY CLERK

John D. Haywood, Plaintiff

v.

Case No.: 2:12-CV-164

St. Michael's College, et al

PLAINTIFF'S ADDITIONAL RESPONSE TO MOTIONS TO DISMISS

At the conclusion of the November 28th hearing, the Court requested additional case law pertaining to jurisdictions with a statute similar to Vermont's. Plaintiff has been unsuccessful in finding same, but does note that the Vermont statute at section(e)(2) provides that the court shall consider the pleadings and supporting and opposing affidavits stating facts upon which the liability or defense is based. Plaintiff's original and amended Complaints, as well as his affidavit with Nov. 18 Monitor article, are all sworn documents.

Defendants have presented *no* such sworn statements or documents.

Furthermore, section (i) refers to protecting the right to the exercise of free speech. Yet the Defendant's profile did nothing to spread the ideas proposed by the Plaintiff. Instead it distorted and falsely reported Plaintiff's positions to the point that no reader of said Profile would even *think* of proceeding from the Profile to Plaintiff's website. The contrast with the November 18, 2011 article in the *Concord Monitor* is stark.

As to whether malice has been properly pleaded, the Plaintiff makes the following

points:

1. Recall that when the first plane crashed into a Twin Tower on 9/11, most thought it was an accident. When the second plane struck, malice was evident. How many times do the Defendants' inaccuracies and mistakes "get to pass go?" Five, maybe. Ten, perhaps? Surely not fifteen!

2. And certainly not where there are *two* authors (as contrasted with the one author of the *Monitor* of a no mistakes article done early in the campaign.) Now, obviously, part of the Profile was written by one author, and part by the other. I say "obviously" because one had the Plaintiff blaming insufficient estate taxation for our economic problems, while the other had the Plaintiff blaming the Children of Abraham for the same thing. Without affidavits from the Defendants, we'll never know.

3. And then there's the timing thing. Plaintiff published his website on November 4, 2011. Plaintiff first ran an ad to do with his Zionism/War/Peace issue on November 20. (Exhibit B 3) He ran another, much more comprehensive ad (Exhibit B-6) on December 11 in which the Plaintiff stated that he had read thousands of pages so that the reader could read eight. Plaintiff additionally stated: "You have plenty of time to check my sources too, as they are readily available commercially or at the public library." Defendants charges of anti-Semitism— published January 4th or 5th— came too late for Plaintiff to respond as the final Sunday ads for all the candidates were by then "put to bed." In that final ad on Sunday, January 8 (Exhibit B-10, that Plaintiff worked

on for over a month), Plaintiff invoked the spirit of Martin Luther King, Jr. and Abraham Lincoln—and told at least one of the Defendants his plans to do so! Wow, did the Plaintiff ever look like a hypocrite when *that* ad was published.

4. Then there's the evident malice in *placement*. The anti-Semitism charges were placed deep within the Profile where they provide a *coup de grace* following the distortion of Plaintiff's positions on Estate Tax, Abortion, Health Care, and Economic Policy as alleged in the Sworn Complaints.

5. In considering whether malice is shown, Plaintiff asks the court to consider the matter of Plaintiff's own mortality as being put at risk by addressing Zionism/War/Peace.

Reference is made to the language beginning at the bottom of Exhibit A-25 and going into the top of Exhibit A-26. Plaintiff asks the court to take judicial notice of the last political assassination in the United States (RFK, 1968), one that grew out of the Israel-Palestinian conflict. Fortunately for Plaintiff, he lost so badly in the NH primary that he wasn't worth shooting!

Respectfully submitted this the 1st day of December, 2012.



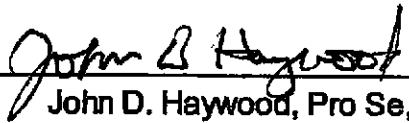
John D. Haywood, Plaintiff, Pro Se

Certificate of Service

I, John D. Haywood, certify that on December 1, 2012, I served a copy of the foregoing Plaintiff's Additional Response to Motions to Dismiss on the Defendants by mailing a copy thereof via U. S. first class, postage prepaid mail, to counsel of record as follows:

Jeff Nolan, Esq.
Dinse, Knapp & McAndrew
209 Battery Street
P. O. Box 988
Burlington, VT 05402

William B. Towle, Esq.
Ward and Babb
3069 Williston Road
South Burlington, VT 05403



John D. Haywood, Pro Se, 3116 Cornwall Road, Durham, NC 27707-5102
(919) 489-5202